

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF NOTICES AND ORDERS OF)	Administrative Order
DISMISSAL FOR LACK OF SERVICE AND LACK OF)	No. 98 - 012
PROSECUTION IN DOMESTIC RELATIONS CASES -)	
- CORRECTION OF ERRORS)	
)	

This Administrative Order is issued to correct typographical and other errors contained in Administrative Order 97-053. That Order is rescinded and replaced with this Order.

Arizona Rule of Civil Procedure 4(i) requires that if service of summons and complaint is not made upon a defendant within 120 days after filing the complaint, and the party on whose behalf service is required cannot show good cause why such service was not made within that time, the action shall be dismissed as to the defendant not served without prejudice, upon motion or upon the court=s initiative after notice to the party.

FURTHER, Superior Court, Maricopa County, Local Rule 6.2(e) requires that all cases in which a Motion to Set and Certificate of Readiness has not been filed within 6 months after commencement of the case shall be placed on the Inactive Calendar, and all cases remaining on the inactive calendar for two months shall be dismissed without prejudice for lack of prosecution in accordance with Rule V(e), Uniform Rules of Practice.

FURTHER, Rule V(e), Uniform Rules of Practice requires an action may be dismissed unless prior to the expiration of the two months a proper Motion to Set and Certificate of Readiness is filed, or the court orders for good cause that the case may be continued on the inactive calendar for a specified period of time without dismissal.

Rule V(f), Uniform Rules of Practice of the Superior Court in Arizona requires the court to notify counsel or parties in writing of the placement of cases on the inactive calender, and that no further notice is required prior to dismissal.

Based on the above rules, and in the interests of effective and efficient caseflow and case management, and good cause appearing, IT IS ORDERED AS FOLLOWS:

1. Notice of Failure to Serve and Intent to Dismiss, and Order of Dismissal

If a respondent is not served within 120 days from the date a petition is filed and summons is issued, and if time for service is not extended by order of the court, and if the Court sent a Notice OF Failure to Serve and Intent to Dismiss, the court may dismiss the case without prejudice *without further notice* to the party(ies) other than the Notice of Intent to Dismiss.

The Order of Dismissal without Prejudice shall be entered no earlier than 120 days after the action was filed and the summons issued. An electronic signature may be used for the Order of Dismissal.

This procedure shall also apply to failure to serve a Petition or Request for Simplified Modification of Child Support, to Stop or Modify an Order of Wage Assignment, and for Expedited Judgment for Arrears, provided Notice of Failure to Serve and Intent to Dismiss is sent.

2. Notice of Placement on Inactive Calendar Intent to Dismiss, and Order of Dismissal

If a Motion to Set and Certificate of Readiness or pursuant to DCM Guidelines a Statement of Agreement/Disagreement is not filed within six months from the date an action is filed, and if time for filing the Motion or Statement is not extended by order of the court, and if the Court sent a Notice of Placement on the Inactive Calendar and Notice of Intent to Dismiss, the court may dismiss the case without prejudice *and without further notice* to the party(ies) two months following the Notice of Intent to Dismiss.

The Order of Dismissal without Prejudice shall be entered no earlier than 250 days after the date the action was filed and the summons issued. An electronic signature may be used for the Order of Dismissal.

3. Electronic Signatures for Orders of Dismissal

An electronic signature may be used for an Order of Dismissal arising from either the Notice of Intent to Dismiss For Lack of Service or the Notice of Intent to Dismiss Following Placement on the Inactive Calendar. The assigned judge, commissioner, other judicial officer, or the Judicial Administrator for the Domestic Relations Department as Special Commissioner, shall review documentation from the Department insuring that the file was reviewed electronically or otherwise prior to the entry of the Order of Dismissal, that there was no record of action taken by the party(ies) sufficient to avoid the entry of the Order of Dismissal Without Prejudice, and that an electronic record was made in the file to show that the review occurred.

4. Record of Notices and Orders

Notices of Intent to Dismiss shall be mailed or delivered to the parties or counsel and shall be duly noted on the Court's Automated Calendar System, but shall not be filed by hard copy in the court file.

Orders of Dismissal Without Prejudice issued pursuant to this Administrative Order shall be electronically or otherwise signed and filed by hard copy in the court file, and entry shall be duly noted on the Court's Automated Calendar System. The Orders shall not be mailed to the parties or counsel.

DATED this 3rd day of March, 1998

/s/
Honorable Barry C. Schneider
Presiding Domestic Relations Judge

Original: Clerk of the Superior Court